

A collage of four black and white photographs. The top-left photo shows a firefighter in full gear spraying a large fire on a building. The top-middle photo shows three students sitting at a long table, looking at papers. The top-right photo shows a school bus parked on a street. The bottom-right photo shows the entrance of a school building with a covered walkway. The collage is set against a background of repeating text: 'MACA UPDATE' and 'DATE' in a serif font, with 'Fall' and '2008' interspersed.

FALL • 2008



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Introduction

Every fall, the Department of Municipal and Community Affairs (MACA) publishes and distributes the MACA Update to community governments. The purpose of the MACA Update is to provide community governments with an indication of the level of funding they can anticipate for the coming year. Please note that the funding projections included in this document are subject to approval by the Legislative Assembly. The information contained in this document can be very useful for community governments, especially in those cases where the fiscal calendars of the Government of the Northwest Territories and the community government are not consistent. Therefore, MACA strives to include as much information as possible to assist community governments in their planning.

The information provided in the MACA Update also includes information on funding projections, new and existing programs, services and initiatives, and information on MACA policies and legislation that have recently been changed or are currently under review.

I hope that you find this years MACA Update useful. If you have questions about the information included in this document, please contact your Regional Superintendent.

A handwritten signature in dark ink, appearing to read 'Robert C. McLeod'.

**The Honourable Robert C. McLeod,
Minister of Municipal and Community Affairs**

Financial Projections and Information

Municipal and Community Affairs adheres to the provisions of the Community Government Funding Policy (CGFP), an Executive Council policy, to allocate funding to community governments for operations and maintenance, water and sewer services, and community public infrastructure. All funding is subject to approval of the Legislative Assembly. Projected funding for community governments in 2009-2010 will be allocated based on the following three Ministerial funding policies:

- The Operations and Maintenance Funding Policy proportionally allocates funding to community governments using four factors: population, a community infrastructure indicator, the type of community governance, and the northern cost index (see page 6);
- The Water and Sewer Services Funding Policy allocated funding based on a standard cost allocation model that is used to determine the fixed and variable operating costs based on the actual water and sewer systems that exist within a community, makes an adjustment factoring in the actual costs for fuel and power in the community, and then provides an adjustment for the revenue that a community could receive towards the cost of operating their system (see page 7).
- The Community Public Infrastructure Funding Policy provides funding on a formula allocation to community governments. It includes a base amount equal to two percent of the available funding, plus a formula allocation derived from the current replacement value of the community's infrastructure and the community population (see page 9);

MACA annually provides community governments with funding to support other operating costs (see page 7):

- Insurance Funding – assists with increased insurance premiums and the establishment and stabilization of the Northern Communities Insurance Exchange (NORCIX);
- Mobile Equipment – assists first nation communities and settlements with the purchase of mobile equipment;
- Band Utility – assists first nation communities with the utility costs of their community buildings;
- Seniors/Disabled Property Tax – support for rebates to ratepayers who are senior citizens or disabled; and
- Grant-in-lieu – grants-in-lieu of property taxes for GNWT properties located within cities, towns or villages.

The Infrastructure Acquisition Plan provides a summary of how much the Department will be investing in the infrastructure assets of communities during the 2009-2010 fiscal year. Effective April 1, 2007, MACA provides capital formula funding to community governments. The remainder of the Infrastructure Acquisition Plan consists of projects that commenced in prior years. All infrastructure funding is subject to approval of the Legislative Assembly (see page 8).

Operations and Maintenance Funding¹

Community	Approved 2008-2009	Proposed 2009-2010	Proposed 2010-2011
Aklavik	1,218,000	1,377,000	1,377,000
Behchokò	1,425,000	1,673,000	1,673,000
Colville Lake	554,000	653,000	653,000
Déljne	1,182,000	1,314,000	1,314,000
Dettah	376,000	436,000	436,000
Enterprise	617,000	709,000	709,000
Fort Good Hope	1,165,000	1,334,000	1,334,000
Fort Liard	998,000	1,125,000	1,125,000
Fort McPherson	1,219,000	1,359,000	1,359,000
Fort Providence	1,050,000	1,170,000	1,170,000
Fort Resolution	620,000	693,000	693,000
Fort Simpson	1,231,000	1,390,000	1,390,000
Fort Smith	1,413,000	1,540,000	1,540,000
Gamètì	945,000	1,066,000	1,066,000
Hay River	1,790,000	1,939,000	1,939,000
Hay River Reserve	427,000	496,000	496,000
Inuvik	2,122,000	2,322,000	2,322,000
Jean Marie River	392,000	445,000	445,000
Kakisa	324,000	366,000	366,000
Lutselk'e	562,000	618,000	618,000
Nahanni Butte	420,000	488,000	488,000
Norman Wells	916,000	1,102,000	1,102,000
Paulatuk	1,284,000	1,458,000	1,458,000
Sachs Harbour	1,157,000	1,313,000	1,313,000
Trout Lake	407,000	463,000	463,000
Tsiigehtchic	1,115,000	1,249,000	1,249,000
Tuktoyaktuk	1,401,000	1,552,000	1,552,000
Tulita	1,265,000	1,458,000	1,458,000
Ulukhaktok	1,242,000	1,390,000	1,390,000
Wekweètì	793,000	896,000	896,000
Whatì	1,186,000	1,360,000	1,360,000
Wrigley	476,000	536,000	536,000
Yellowknife	6,072,000	6,500,000	6,500,000
Total	37,364,000	41,790,000	41,790,000

¹ All funding is subject to the approval of the Legislative Assembly.

Please refer to Appendix A for information on how MACA determines Forced Growth.

Proposed 2009-2010 "Other" Community Government Funding¹

Community	Water and Sewer	Additional Insurance Funding	Mobile Equipment Funding	Band Utility Funding	Seniors/ Disabled Property Tax ⁽²⁾	Grant-in-lieu ⁽²⁾
Aklavik	541,000	23,935	-	-	-	-
Behchokq	788,200	36,824	-	-	-	-
Colville Lake	280,200	-	5,875	189,897	-	-
Déljne	406,800	20,149	-	-	-	-
Dettah	201,500	-	8,281	64,908	-	-
Enterprise	155,200	4,159	-	-	-	-
Fort Good Hope	399,700	23,935	-	-	-	-
Fort Liard	530,500	19,826	-	-	-	-
Fort McPherson	710,700	21,206	-	-	-	-
Fort Providence	482,000	24,105	-	-	-	-
Fort Resolution	534,000	-	26,650	-	-	-
Fort Simpson	575,300	49,861	-	-	2,976	217,000
Fort Smith	257,400	75,995	-	-	34,282	471,000
Gamèti	296,600	16,494	-	-	-	-
Hay River	466,300	91,633	-	-	67,611	472,000
Hay River Reserve	260,600	-	46,748	43,766	-	-
Inuvik	409,600	62,577	-	-	24,045	900,000
Jean Marie River	222,600	-	33,590	120,023	-	-
Kakisa	167,000	-	27,434	32,822	-	-
Lutselk'e	251,200	-	41,804	104,301	-	-
Nahanni Butte	205,100	-	36,169	138,721	-	-
Norman Wells	405,200	49,253	-	-	1,309	55,000
Paulatuk	293,100	17,906	-	-	-	-
Sachs Harbour	250,200	17,310	-	-	-	-
Trout Lake	245,500	-	45,409	22,161	-	-
Tsiigehtchic	253,400	16,061	-	-	-	-
Tuktoyaktuk	327,600	31,968	-	-	-	-
Tulita	504,500	14,628	-	-	-	-
Uluksaktok	271,400	29,743	-	-	-	-
Wekweèti	244,400	16,676	-	-	-	-
Whati	500,100	19,827	-	-	-	-
Wrigley	176,100	-	29,375	149,904	-	-
Yellowknife	-	359,145	-	-	113,677	2,528,000
Total	11,613,000	1,043,216	301,335	866,503	243,900	4,643,000

1. All funding is subject to the approval of the Legislative Assembly.

2. Budgeted amounts; actual amounts will be invoiced from the eligible communities.

Proposed 2009-2012 Infrastructure Acquisition Plan ¹

Project	Community	2009-2010	2010-2011	2011-2012	Future Years
Capital Formula Funding	All	28,000	28,000	28,000	56,000
Bundled Water Treatment Plants	Aklavik, Behchokq, Déjine, Tuktoyaktuk, Ulukhaktok	10	-	-	-
Water/Sewer Main Replacement	Behchokq	64	-	-	-
Gym	Nahanni Butte	16	-	-	-
Total		28,090	28,000	28,000	56,000

1. All funding is subject to the approval of the Legislative Assembly.

Proposed 2009-2010 Capital Formula Funding ¹

Community	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
Aklavik	823	823	823	823	823
Behchokq	1,036	1,036	1,036	1,036	1,036
Colville Lake	675	675	675	675	675
Délne	809	809	809	809	809
Dettah	708	708	708	708	708
Enterprise	646	646	646	646	646
Fort Good Hope	805	805	805	805	805
Fort Liard	815	815	815	815	815
Fort McPherson	864	864	864	864	864
Fort Providence	866	866	866	866	866
Fort Resolution	799	799	799	799	799
Fort Simpson	943	943	943	943	943
Fort Smith	1,114	1,114	1,114	1,114	1,114
Gameti	735	735	735	735	735
Hay River	1,260	1,260	1,260	1,260	1,260
Hay River Reserve	736	736	736	736	736
Inuvik	1,231	1,231	1,231	1,231	1,231
Jean Marie River	640	640	640	640	640
Kakisa	620	620	620	620	620
Lutselk'e	768	768	768	768	768
Nahanni Butte	665	665	665	665	665
Norman Wells	869	869	869	869	869
Paulatuk	740	740	740	740	740
Sachs Harbour	668	668	668	668	668
Trout Lake	646	646	646	646	646
Tsiigehtchic	696	696	696	696	696
Tuktoyaktuk	899	899	899	899	899
Tulita	789	789	789	789	789
Ulukhaktok	772	772	772	772	772
Wekweètì	675	675	675	675	675
Whati	788	788	788	788	788
Wrigley	692	692	692	692	692
Yellowknife	2,210	2,210	2,210	2,210	2,210
Total	28,000	28,000	28,000	28,000	28,000

1. All funding is subject to the approval of the Legislative Assembly.

New Programs, Services and Initiatives

Building Canada Plan

In February 2008, the Government of the Northwest Territories (GNWT) and Canada signed a Framework Agreement for the Building Canada Plan. This Framework Agreement outlines a commitment of \$185.8 million over a seven year period for infrastructure funding to the Northwest Territories (NWT). This funding will be focussed on transportation infrastructure and Community Public Infrastructure (CPI). In addition, the Framework Agreement identifies an additional \$60 million in Gas Tax Agreement Funding for the period 2010 through 2014.

A Funding Agreement for Building Canada Plan was signed in June 2008. This more detailed agreement provides information on the requirements for the GNWT to access the funds, as well as the reporting requirements to account for the funds used and to continue to access funding.

For community governments, a total of \$45.5 million of the \$185.5 million will be focussed on CPI. Community governments will be provided with an allocation amount for which they will be asked to identify eligible Building Canada project(s) on their Capital Investment Plans. MACA will be responsible for collating community projects and submitting these projects, along with the Department of Transportation projects, to Canada for federal Minister approval.

MACA staff will begin working with communities in the fall of 2008 to identify projects for the 2009-2010 fiscal year.

Community Emergency Management

As part of the budget process for the 2008-2009 fiscal year, funding for the Community Emergency Coordinator position was eliminated from MACA's budget. The Department is committed to continuing to support community governments in the areas of emergency preparedness, and response and recovery.

Regarding emergency preparedness, MACA has completed an overhaul to the Community Emergency Plan Template and held an orientation session on the new tool with administrators at the 2008 Local Government Administrators of the Northwest Territories (LGANT) Annual General Meeting in fall 2008. If you would like to obtain a copy of the template and discuss how it can be used to assist your community in developing or updating your community emergency plan, please contact your Regional Superintendent.

In response and recovery, MACA continues to provide support to communities through the Regional Superintendents and the Territorial Emergency Management Coordinator, and through the 24 Hour Emergency Line (867-873-7554).

In addition, MACA has worked with stakeholders to undertake a review and update of the *Disaster Assistance Policy* to improve its implementation for communities and claimants who have been through a disaster and who need financial assistance to recover from the event. Although MACA's internal review of the *Policy* is not yet finalized, the input of communities provided to date is integral to the policy redesign.

Through the above actions, MACA is refocusing its resources to deliver programs and services to communities consistent with the Department's roles and responsibilities in the area of emergency management.

School of Community Government Realignment

MACA has re-profiled the SCG to focus on areas that support new community government responsibilities and authorities; community government responsibilities under the Gas Tax Agreement; and areas required to support health, safety and infrastructure responsibilities of community governments.

The re-profiled SCG has a greater regional presence with Training and Development Coordinators located in the Sahtu, Inuvik, Dehcho and South Slave regions, and provides service to the North Slave region through the Headquarters Office. Priority community government training is provided in the following key areas:

- Elected Officials;
- Management and Finance;
- Land Administration;
- Fire Protection and Public Safety;
- Water and Waste Management;
- Infrastructure Maintenance and Management;
- Recreation; and
- Airports.

The SCG continues to work with Aurora College on shared course deliveries and instruction, articulation agreements, program certification and facility use. As well, staff continue to be engaged in the development of standards and certification, course development, coordination and delivery, human resource assessments, student records and partnerships.

Training Services Fund

The *Training Services Fund for Community Governments Policy* is a new initiative that provides the School of Community Government (SCG) with a mechanism to engage experienced, qualified community government staff as course instructors. Over the past years, participants in SCG courses have indicated that they enjoy and appreciate the involvement of experienced community government staff in the delivery of courses and training events.

In several program areas, the SCG has piloted the delivery of courses using experienced and qualified community government employees as instructors, or played a key role in the delivery of a course or training event. Feedback was positive and evaluations show an increase in the relevance of the training for participants.

This initiative allows the Department to better respond to the needs of community government staff, promote northern instructor development, and ensure that participants see themselves better reflected in the training provided by the SCG.

Enhanced Youth Resources

The Sport, Recreation and Youth Division (SRY) of MACA work with partner organizations to deliver programs on behalf of the GNWT. Recently, SRY expanded its support to communities and youth serving organizations through the addition of two new Youth Officer positions.

A Youth Officer position located in Fort Simpson will coordinate youth programs and services for the Dehcho, South Slave and North Slave regions; a new position (to be located either in Inuvik or Norman Wells) will provide the same function in the Sahtu and Inuvik regions.

The SRY Division continues to deliver the following programs:

- The NWT Youth Corps Program provides funding for pilot programs that test various youth development models such as on-the-land programs and entry-level skills programs. The 2008-2009 budget of \$750,000 is unchanged from the 2007-2008 budget level.
- The Youth Contributions Program provides funding support for various small youth development projects. The 2008-2009 budget of \$150,000 is unchanged from the 2007-2008 budget level.
- The Youth Centres Initiative provides funding to support the operation of youth centre facilities offering positive programming options to youth. The 2008-2009 budget of \$250,000 is unchanged from the 2007-2008 budget level.

Interim Trespass Enforcement Strategy

In August 2007, MACA implemented the Interim Trespass Enforcement Strategy, designed to fairly and effectively monitor, and enforce, the provisions of the *Commissioner's Land Act* respecting trespass on Commissioner's Land. Modifications to the Strategy to address trespass situations inside of community boundaries were approved in February 2008.

MACA has developed enforcement procedures for its Regional Lands Officers, and continues to educate the public about their responsibilities and obligations when using Commissioner's land through an ongoing public relations campaign. To achieve the objectives of the Strategy, Lands Officers are conducting investigations of trespass sites and are posting Notices of Trespass at these sites.

As an additional step, the Department is also inspecting and taking steps to clean up trespass sites that appear to be abandoned. The Interim Trespass Enforcement Strategy provides a process to address various trespass scenarios.

Over the longer term, MACA will pursue amendments to the *Commissioner's Land Act* to modernize provisions dealing with trespass and the use and occupation of Commissioner's Land. MACA, in consultation with stakeholders, will also start planning to conduct a Land Use Planning exercise for the Ingraham Trail and other pressure points throughout the NWT where trespass is a problem.

Fire Protection Handbook

Fire Chiefs are, by virtue of their office, the Local Assistant to the Fire Marshal, and Local Assistants are a vital part of the fire protection system for the NWT. Their appointment carries with it specific authorities and responsibilities, and to help them carry out their functions, the Office of the Fire Marshal (OFM) has released the Community Fire Protection Handbook. This Handbook addresses topics to assist fire officials in making decisions to implement and improve fire services in their community. The Handbook contains fire prevention guidelines and practices, as well as the relevant Territorial legislation, regulations and National Fire and Building Codes.

The Handbook will be updated regularly and will strive to provide community fire officials with useful and up-to-date information. For more information about the Community Fire Prevention Handbook, please contact the Assistant Fire Marshal in your region or visit the MACA website at www.maca.gov.nt.ca.

Updates to Existing Programs, Services and Initiatives

Deferral of Municipal Taxation Authority

MACA has previously advised community governments that it would start work to examine options to assist most communities to assume Municipal Taxation Authority (MTA) status. MTA status would benefit communities as it would help to transfer more decision-making authority and resources to communities. Property taxation by communities is fundamental to the process of developing responsible local governments that are accountable to their citizens. In addition, property taxation provides communities with an additional source of revenue to address local needs and priorities. With MTA status, communities can vary their mill rates, depending on their financial needs. For these reasons, conversion to MTA status is an important element of expanded community government authority.

The initial work plan developed by MACA in November 2004 projected that most communities would become MTAs effective January 1, 2007. Due to workload issues associated with the overall implementation of the capital formula funding and changes in responsibility for CPI, this date was initially deferred to January 1, 2008, and then later to January 1, 2009.

Over the past few years, MACA's focus has been on the analytical and funding frameworks required to transfer responsibility for CPI to community governments. Effective April 1, 2007, the GNWT began funding communities for CPI on a formula funding basis, and MACA continues to work with community government to provide advice, assistance and support as communities continue the transition to assuming full authority for all aspects of CPI.

MACA has heard from many communities that while you are supportive of the initiative to provide municipal governments with increased authority and accountability, there are concerns about the pace of the changes; the ability to find and retain qualified staff; and the ability to meet the legislative requirements of the GNWT's assessment and taxation statute.

It is for these reasons that MACA has made the decision to defer the MTA initiative for five years, to January 2014. The Property Taxation Revenue

Grant will remain in place during this time period. MACA continues to support those communities that may be interested in exploring options related to becoming an MTA in the near future.

Designated Authorities and Capital Formula Funding

A key interest of MACA is to enhance the power and authority of all community governments across the NWT so that decisions are made at the local level, by leaders who know community issues and local priorities. One strategy towards this has been the transfer of authority for, and control over, CPI to community governments – for things like community offices, water treatment plants, dumps and recreation facilities.

MACA is continuing to work with the eight communities in the NWT that are governed solely by First Nations, incorporated under the *Indian Act*, to see how these communities can take advantage of these opportunities. MACA and these eight First Nations have a unique relationship - the Minister of MACA enters into agreements with the First Nations to fund them to provide municipal type services (e.g. water/sewer services, recreation, road maintenance) to all residents in the community.

There are some challenges in implementing these new authorities with First Nations governments due to limitations set out in the *Indian Act*, specifically related to the ability of First Nations to own real property.

- How can CPI and the land it is located on be owned by a First Nation community if the Band cannot own real property?
- Who will own new assets that are built by a First Nation, and how can the GNWT work with the community to formalize the community's ownership of GNWT assets?
- How can First Nations assume full responsibility for the CPI in their community (e.g. planning, financing, designing, constructing, operating and maintaining)?

MACA provides capital formula funding that provides a base amount to every community, no matter the size, and then tops this up using a formula that takes into account, the current replacement value of the CPI assets in the community, population, etc. MACA flowed \$22.6 million in capital formula funding in 2007-2008 to every community government, including First Nations Designated Authorities and Settlements, and has

\$28 million for this purpose in 2008-2009. Capital funding allocations have been provided to all cities, towns, hamlets, charter communities and Tłıchq community governments; however, a solution to this issue of capital asset ownership needs to be found before we can enter into multi-year capital formula funding agreements with First Nations communities.

Representatives from First Nations communities have met with MACA twice, in January 2008 and again in June 2008, to explore options and consider how to move forward.

MACA staff are travelling to each First Nation community in fall 2008 to discuss the preferred model which would involve each First Nation establishing an interim corporation that is under the control of the First Nation, and has the sole purpose of owning assets/real property on behalf of the First Nation. The Interim Corporation holds tenure to the land on behalf of the First Nation, and leases the asset to the First Nation, who is the sole Tenant, with no margin of profit.

The First Nation:

- Can establish this not-for-profit interim corporation under the *Business Corporations Act* or the *Societies Act*;
- Is responsible for all aspects of ownership, finance and maintenance of CPI assets; and
- Can "sublet" and charge fees to users of the CPI to help off-set capital or operation and maintenance costs of the asset. It can make profit.

MACA looks forward to making progress with the First Nation communities so that there is clear direction on the way forward, hopefully one that provides for increased local authority and decision-making.

Formalization of Ownership of Community Public Infrastructure

In February 2008, MACA wrote to all community governments to provide information on the initiative to formalize community governments ownership of CPI. At that time, we advised that MACA was conducting a review of the ownership of the CPI that is in place in each community.

The purpose of this review is to ensure that each community government

owns the CPI that it uses to deliver its municipal programs and services. CPI includes assets such as community offices, halls, garages, solid waste sites and arenas, but does not include Territorial Public Infrastructure such as schools, territorial jails and hospitals/health centres.

In most cases, existing CPI has been previously transferred to your community government and the community has been operating and maintaining it for a number of years. MACA's current review is to ensure that any improvements, and the land, are transferred to the community government to finalize formal ownership. It is important to formalize ownership to ensure that community governments have the assets and lands in their names, so that the community government may secure loans or enter into partnerships with other organizations to share assets, or to renovate or expand existing buildings.

It is important to note that the process to formalize ownership, through the transfer of CPI assets and the associated land to community governments, will take a number of years to complete. This time is required as MACA will need to legally survey a large number of parcels, which can sometimes take one to two years to complete.

Part of the work also involves conducting the land negotiations necessary for those CPI assets located on privately held land. These assets will present additional challenges since the transfer of these parcels cannot be completed without MACA first conducting a land exchange with the landowner. Negotiations for the land exchanges have started in many situations; however, more work is required.

MACA regional staff are working with one community in each region on a pilot basis, and it is anticipated that the review of CPI in place will be completed by December 2008. MACA will use the results of the pilot experience to refine its approach, and to work with other communities to formalize its ownership of the CPI already in place.

Canada-NWT Gas Tax Agreement and Integrated Community Sustainability Plans

In 2009-2010, the NWT enters into the final year of the existing five year funding arrangement under the Canada-NWT Gas Tax Agreement. An extension to the Agreement is under negotiation to extend funding from 2010 to 2014. At present, terms and conditions of funding for the extension period remain as they were for the first five years of the funding agreement.

Communities that have not yet spent all of their funding allocations are required, in their 2009-2010 Capital Investment Plan, to identify the intent for the use of their funds accumulated from 2005 to 2010. If communities do not identify this information in their 2009-2010 Capital Investment Plan, the Department will be unable to flow their gas tax allocation as per the community's Funding Agreement. In addition, communities are required to complete their Integrated Community Sustainability Plans by March 31, 2010.

In an effort to support the completion of these plans, MACA has provided funding to the Northwest Territories Association of Communities (NWTAC) through the Gas Tax Agreement to hire a Sustainability Coordinator. This provides an additional resource to share information on templates, completed plans and present information to Council/staff on their obligations regarding the Integrated Community Sustainability Plan.

Ground Ambulance and Highway Rescue

MACA and Health and Social Services (HSS) continue to work collaboratively to clarify service levels, responsibility for service delivery, and associated funding for a coordinated system of ground ambulance highway rescue services in the NWT.

Over the past year, a draft work plan was developed that will guide the work to develop options for the long-term legislative and funding frameworks. To assist in the work, an Advisory Committee will be formed to solicit stakeholder ideas, consultation and feedback. A letter was sent in August 2008, to community governments with ground ambulance and highway rescue capabilities seeking community representatives to sit on the advisory committee that will guide future work on this issue.

MACA has funding of \$200,000 in 2008-2009 to provide to communities to support training or capital upgrades for ground ambulance and/or highway rescue services.

MACA, in consultation with community governments, the RCMP and the departments of HSS and Transportation, has developed a highway emergency alerting protocol. This protocol establishes a uniform plan for emergency response to highway accidents in the various zones designated across the NWT. The final alerting protocol was shared with all of the stakeholders in August 2008.

Policy and Legislation

Revised Policies and Legislation

Community Development Funding Policy

As part of the budget process for the 2008-2009 fiscal year, funding of \$575,000 to support the *Community Development Funding (CDF) Policy* was eliminated from MACA's budget. MACA has rescinded the *Community Development Funding Policy*, and no longer has a budget to support community applications for funding assistance from this source.

The CDF was an application based program that provided community and aboriginal governments with contributions for partnerships and participation in community development activities. Regional staff are available to work with communities, as requested and/or required, to examine O&M budgets to ensure that funding to support training event costs are provided for from within the community's annual budget.

Community Financial Services Funding Policy

As part of the budget process for the 2008-2009 fiscal year, funding of \$200,000 to support the *Community Financial Services Funding Policy* was eliminated from MACA's budget. Previously, communities requested funding under this *Policy* to provide for various types of technical financial expertise, i.e. upgrade financial systems, provide for temporary assistance in the Senior Administrative Officer or Finance areas in order to maintain adequate financial support and services at the community level, forensic audits, cost benefit analyses, and assistance with bookkeeping and budget preparation. MACA has rescinded the *Community Financial Services Funding Policy*, and no longer has a budget to support community requests for funding assistance from this source.

Fire Prevention Regulations

MACA has completed amendments to the *Fire Prevention Regulations* which resulted in the adoption of the 2005 National Building Code of Canada, and 2005 National Fire Code of Canada. The OFM now accepts plans designed pursuant to these Codes.

The 2005 Codes are “objective-based”, which provides some flexibility, so long as design features meet the objective of the standard. This flexibility allows for new technology to be used in construction providing that the new technology has been tested and found to perform to the prescribed standard. The change from prescriptive to objective-based codes does not alter the requirements contained in the *Fire Prevention Act*. The OFM does not issue “variances”, but will consider equivalencies that provide an alternate form of meeting the requirements of the Codes. This practice has been followed by the OFM over the past two years and will continue.

It is important to remember that all construction and renovation in the NWT must be reviewed by the OFM prior to the onset of construction, unless it is exempted pursuant to section 3 of the *Fire Prevention Regulations*.

Financial Regulations

MACA recently completed amendments to the borrowing and investing Regulations which affect *Hamlets, Charter Communities, Cities, Towns and Villages*.

Revisions to the *Authorized Lenders Regulations* were approved in November 2007. The *Authorized Lenders Regulations* clarify who is a possible lender and expands community’s authority when considering where to borrow funds to finance CPI. The *Regulation* was revised more specifically for municipal corporations to be eligible to apply for the Federation of Canadian Municipalities Green Municipal Fund borrowing program.

Amendments to the *Debt Regulations* were approved in April 2008. These changes address what is considered revenue, the calculations used to determine both the maximum short and long-term debt a community can borrow, and the calculation of the Debt Service Limit – which is the maximum amount a community can spend on a loan per year.

Current legislation permits community governments to borrow long-term, raise own-source revenues and explore alternative funding and leveraging opportunities to deliver capital infrastructure.

The Department has begun the consultation process with the Tłıchǵ Government for the establishment of similar regulations pursuant to the *Tłıchǵ Community Government Act*.

Policy and Legislation Currently Under Review

Disaster Assistance Policy

The *Disaster Assistance Policy* is intended to assist community governments, small businesses and residents to recover from the effects of a disaster. Disaster assistance is intended to provide reasonable levels of financial assistance, but does not offer full compensation for damage or loss. The *Disaster Assistance Policy* has not been reviewed since its 1992 creation, although minor revisions were made to the *Policy* in March 2005.

In 2006, MACA initiated a review of the *Policy* to ensure the provisions meet contemporary needs. Work is complete on researching comparable policy, legislation, procedures, and practises in other jurisdictions and examining the current environment in the NWT. MACA has also obtained the views of other departments, NWT communities, and other stakeholders.

Work on this review has been slower than anticipated. Based on the findings and analysis, MACA will develop a proposal for potential changes to the current *Policy*. MACA anticipates that its review will be complete during the winter of 2009. The finalization of the *Policy* review will include the communication of any potential changes to community governments and other stakeholders.

Planning Act

In 2005, MACA began a review of the *Planning Act* in order to address a number of issues with the *Act*, including the prescriptive nature of the *Act* and the need for its provisions to be brought more in line with the planning legislation of other jurisdictions. Since 2005, the Department has prepared, and distributed, the discussion paper "Community Planning, Community Decisions: Options for Changing the NWT *Planning Act*" and has received comments from community governments, residents and other stakeholders.

Based on information received during the consultation process, MACA is now moving forward with legislative changes. During the consultation process, it became clear that a complete overhaul of the *Act* was required. MACA, therefore, is looking to revoke the existing *Planning Act* and replace it with new, updated legislation.

The new legislation will be called the *Community Planning and Development Act* and will include enhanced authority for community governments and more streamlined approval processes. It will also include an increase to the maximum penalties allowed under the *Act* for violations to community zoning by-laws and more clearly defined roles for the GNWT and community governments. It is anticipated that a draft bill will be ready for introduction in the late spring/early summer of 2009.

Senior Citizens and Disabled Persons Property Tax Relief Act

The current *Senior Citizens and Disabled Persons Property Tax Relief Act* was passed in 1988, and allows for the relief of property tax to senior citizens (aged 65+) and disabled persons. In the General Taxation Area (GTA), the GNWT provides 100 percent of the relief to qualified citizens. In the MTAs, the GNWT and the municipality match grants of up to 50 percent each, providing up to 100 percent relief to qualified citizens. There are no regulations currently in place.

In recent years, concerns have been raised by stakeholders, including the NWTAC, regarding the process and eligibility requirements related to the *Act*. In response, MACA conducted a review of the *Act* and has consulted with interested stakeholders, including tax-based community governments, relevant departments, the NWT Seniors' Society, the NWT Council of Persons with Disabilities, the NWTAC and LGANT on proposed legislative changes to the *Act*.

Final internal analysis is anticipated to be finalized by December 2008, after which time MACA will finalize its draft legislation changes.

Local Authorities Election Act

The *Local Authorities Election Act* provides local authorities, such as municipal councils and district education authorities, with the process to conduct their elections. Over the past few years, representatives of community governments and the NWTAC have requested that the *Local Authorities Election Act* be amended to address a number of issues. In response, MACA committed to undertaking a review of the *Act*.

A Working Group has been established that consists of representatives from the NWTAC and LGANT.

The Group has completed extensive research on legislation in other jurisdictions that has helped with an examination of our own legislation and identification of potential amendments to the Act. The Group is now working to determine issues that are appropriate to include in a discussion paper that will be used to consult with stakeholders. The discussion paper will propose a variety of amendments to the Act, including:

- Reducing election periods to ensure less disruption to the public and local authorities;
- Encouraging voter participation by increasing the availability of voting opportunities and providing alternate voting methods;
- Providing increased authorities to the Chief Municipal Electoral Officer to initiate the election process, if required, supervise Returning Officers, investigate election offences and/or bring a petition for a new election before the Supreme Court; and
- Recommending alternate provisions to break ties. In tie votes, the Returning Officer pulls an additional ballot. Several communities find this objectionable.

MACA anticipates that the discussion paper will be released to the public in late 2008, or early 2009.

Commissioner's Land Act

The *Commissioner's Land Act* serves to provide for the sale, lease or other disposition of Commissioner's land, and a means of requiring people to vacate Commissioner's lands they are not entitled to occupy. Several legal developments have occurred over the past few years, resulting in the need for timely amendments to the *Commissioner's Land Act*.

In response, MACA is proceeding with making the following four discrete amendments to the Act:

- Exempting Commissioner's lands from the application of the *Residential Tenancies Act* because the Commissioner is not a residential landlord for property that is leased to individuals who wish to use it for a mobile home;
- A new provision allowing the Commissioner to delegate the authority to make agreements concerning the administration of Commissioner's lands, including quarries, so that every agreement does not require the signature of the Commissioner;
- An amendment enabling an authorized agent of the Commissioner to form an opinion that a person is trespassing on Commissioner's land, so that the Commissioner himself does not have to personally form such an opinion; and
- A new provision excluding the Commissioner from liability for injuries or death resulting from activities that take place on Commissioner's land without the written permission of the local Land Agent. The latter amendment will safeguard the Commissioner from law suits from adventurers and sports enthusiasts who are injured on Commissioner's lands and do not have permission to be on the land.

MACA anticipates introducing a draft bill in the spring or early summer of 2009. MACA is also considering a complete overhaul of the Act over the next few years, to modernize the statute and reflect a stronger emphasis on stewardship of the land.

APPENDIX A

How MACA Determines Forced Growth

Every year MACA provides all eligible community governments with annual funding to assist with the provision of municipal programs and services, as well as minor community infrastructure. MACA uses the *Community Government Funding Policy* and the *Operations and Maintenance Funding Policy* to determine the amount of funding received by each community government.

MACA prepares forced growth recommendations for funding related to the *Policy* for GNWT consideration every two years, and the next forced growth increase is proposed for the 2009-2010 fiscal year. Forced growth funding is provided to all community governments on a proportionate basis.

The term "forced growth" refers to the adjustments made to the formula based funding received by community governments. These adjustments are intended to help cover the hard-to-control increases in community government costs.

The forced growth calculation includes two components:

- Adjustments for identified uncontrollable increased costs; and
- Adjustments for new infrastructure.

The following factors are used to determine adjustments for identified uncontrollable increased costs:

- NWT Population – changes in population will affect community government costs;
- Consumer Price Index for Fuel – changes in fuel prices will affect community government costs; and
- Salaries/Wages Indicator – increases in salaries and wages will affect community government costs.

With the exception of the new infrastructure and salaries/wages data, all of the information used to calculate forced growth is taken from the NWT Bureau of Statistics. For information on new community infrastructure, MACA uses the MACA capital plan. For the salaries/wages data, MACA uses historical information outlining percent increases in GNWT wages as calculated by the Financial Management Board Secretariat.

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